

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>In re:</b>	)	
	)	
<b>JASON LEWIS ZILBERBRAND,</b>	)	<b>Case No. 17-04034</b>
	)	
<b>Debtor.</b>	)	<b>Chapter 7</b>
	)	
	)	<b>Honorable A. Benjamin Goldgar</b>
	)	<b>Lake County</b>
	)	
<b>ILENE F. GOLDSTEIN, not individually</b>	)	
<b>but as chapter 7 Trustee for the Estate of</b>	)	
<b>Jason Lewis Zilberbrand,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Adv. No. 19-00129</b>
	)	
<b>JASON LEWIS ZILBERBRAND,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	
	)	

**NOTICE OF MOTION**

**To: See attached list**

PLEASE TAKE NOTICE that on **June 29, 2020, at 10:00 a.m.**, we will appear before the Honorable A. Benjamin Goldgar, or such other Judge as may be presiding in that Judge's place, and present the motion of Ilene F. Goldstein, not individually, but as chapter 7 Trustee for the Estate of Jason Lewis Zilberbrand, to dismiss the above-captioned adversary case, a copy of which is attached.

**This Motion will be presented and heard telephonically.** No personal appearance in Court is necessary or permitted. To appear and be heard telephonically on the motion, you must set up and use an account with Court Solutions, LLC. You can set up an account at [www.CourtSolutions.com](http://www.CourtSolutions.com) or by calling Court Solutions at (917) 746-7476.

**If you object to this motion** and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

Any creditors who wish to adopt and prosecute the adversary proceeding in question must seek leave to do so at or before the hearing on the motion to dismiss.

**Ilene F. Goldstein**

By: /s/ Paul M. Bauch

Lakelaw

53 W. Jackson, Suite 1115

Chicago, IL 60604

312.588.5000

pbauch@lakelaw.com

**CERTIFICATE OF SERVICE**

I, Justin Storer, certify that I served a copy of this notice and the attached motion on each entity shown on the attached service list at the address shown and by the method indicated on the list on June 8, 2020, at 5:00 p.m.

/s/ Justin R. Storer

**SERVICE LIST**

**Via CM/ECF electronic noticing:**

Jeffrey C. Dan  
Goldstein & McClintock  
111 W. Washington Street  
Suite 1221  
Chicago, IL 60602

And all other parties that requested or that receive electronic notice

**Via email to [asimon@cranesimon.com](mailto:asimon@cranesimon.com):**

Arthur Simon  
Crane, Simon, Clar & Goodman  
135 S. LaSalle Street  
Suite 3705  
Chicago, Illinois 60603

**Via first class mail, postage prepaid:**

All parties on following mailing list

800 West Belmont, Inc. and 3210 N. Halsted I  
David Gassman  
3210 North Halsted #3  
Chicago IL 60657-3414

Advocate Health Care  
P.O. Box 3079  
Oak Brook, IL 60522

Alter and Peece  
Monadnock Bldg  
53 W. Jackson Blvd  
Chicago, IL 60604-3606

American Express  
200 Vesey Street  
New York, NY 10285-3106

American Express Centurion Bank  
c/o Becket and Lee LLP  
PO Box 3001  
Malvern PA 19355-0701

Anderson Pest Control  
1100 W. Jackson Blvd.  
Chicago, IL 60607-2906

(p)VOLKSWAGEN CREDIT UNION  
1401 FRANKLIN BLVD  
LIBERTYVILLE IL 60048-4460

Automatic Icemaker  
3725 N. Talman Ave.  
Chicago, IL 60618-4712

Badger Mutual Insurance Corp  
1635 W. National Ave.  
Milwaukee, WI 53204-1199

Bank of America  
P.O. Box 15284  
Wilmington, DE 19850-5284

Benjamin Newby LLC  
300 N. State Street, Apt. 3112  
Chicago, IL 60654-3053

Benjamin Newby LLC  
300 State Street, Suite 4238  
Chicago, IL 60654-5414

Boi Magazine  
3705 N. Halsted  
Chicago, IL 60613-3906

Candice M. Zilberbrand  
Joel A Schechter  
53 West Jackson Blvd. Suite 1522  
Chicago IL 60604-3761

Cintas  
5600 W. 73rd Street  
Chicago, IL 60638-6273

Coca Cola  
12200 Laramie Ave.  
Alsip, IL 60803-3199

Comcast  
8745 W. Higgins Rd.  
Chicago, IL 60631-2750

Comity Bank  
P.O. Box 182273  
Columbus, OH 43218-2273

Covert Nine  
770 W. Gladys Ave., #402  
Chicago, IL 60661-5443

DLG Inc./800 W. Belmont Inc.  
800 W. Belmont Ave.  
Chicago, IL 60657-9021

Dando Productions LLC  
329 Clinton Street, #3  
Brooklyn, NY 11231-3739

Dante Lopresti  
Evans, Loewenstein, Shimanovsky  
130 S. Jefferson, Suite 350  
Chicago, IL 60661-5762

Dante The Don LLC  
365 N. Halsted, Apt. 1502  
Chicago, IL 60661-1375

David Gassman  
Bauch & Michaels LLC  
53 W. Jackson Blvd Suite 1115  
Chicago IL 60604-3566

Fortune Fish Co.  
1068 Thorndale Ave.  
Bensenville, IL 60106

Gray Bear LLC  
PO Box 403  
Fort Collins, CO 80522-0403

Great American Cheese Collections  
4727 S. Talman Ave.  
Chicago, IL 60632-1406

Jane Anderson  
Anderson & Moore  
111 W. Washington Street Suite 1720  
Chicago, IL 60602-2858

2621 W. Grand Ave.  
Chicago, IL 60612-1116

LKH Management  
3750 N. Halsted Street  
Chicago, IL 60613-3907

Lincoln Park Beverage Co  
1937 W. Diversy Pkwy  
Chicago, IL 60614-1074

MBNA  
P.O. Box 15284  
Wilmington, DE 19850-5284

Mick Klug Farm  
8795 Scott Dale Road  
Saint Joseph, MI 49085

Mickey's Linen  
4601 W. Addison  
Chicago, IL 60641-9911

Neil Cole  
1817 W. Iowa St.  
Chicago, IL 60622-4932

Nicole Zilberbrand  
4560 Eleanor Drive  
Lake Zurich, IL 60047-5260

North Halsted Business Association  
3656 N. Halsted  
Chicago, IL 60613-5979

Northwestern Medicine  
28155 Network Place  
Chicago, IL 60673-1281

Odd Produce  
6027 N. Lawndale  
Chicago, IL 60659

One Room Solutions  
18400 W. IL Route 120, #115  
Grayslake, IL 60030-9204

Paint Craft  
1813 W. Grand Ave.  
Chicago, IL 60622-6231

Peoples Gas  
P.O. Box 19100  
Green Bay, WI 54307-9100

Powell Law Firm  
320 W. Ohio Ste 501  
Chicago, IL 60654-7816

Quantum3 Group LLC as agent for  
MOMA Funding LLC  
PO Box 788  
Kirkland, WA 98083-0788

RCN  
1640 W. Bradley Price  
Union, IL 60180

Red Hen Bread  
250 N. Western Ave.  
Chicago, IL 60612-2224

Sheffield Financial  
6010 Golding Drive  
Winston Salem, NC 27103

Sheffield Financial  
P.O. Box 580229  
Charlotte, NC 28258-0229

Sheffield Financial  
PO Box 1847  
Wilson, NC 27894-1847

Signs By Tomorrow  
2834 N. Halsted St.  
Chicago, IL 60657-5151

Smart Mouth Designs Inc.  
c/o Alex Morales  
2015 W. Ohio  
Chicago, IL 60612-1583

Southern Wine and Spirits  
250 N. Artesian Ave.  
Chicago, IL 60612-2149

Superior Ambulance  
395 W. Lake Street  
Elmhurst, IL 60126-1508

Swinoler Spavola CPA  
343 W. Erie St., #510  
Chicago, IL 60654-5735

Walsh Security  
725 W. Sheridan Rd.  
Chicago, IL 60613-3239

Wilcox Law Firm  
14 N. Sangamon Street  
Chicago, IL 60607-2658

Windy City Media  
1940 W. Irving Park Rd.  
Chicago, IL 60613-2468

Wirtz Beverage Systems  
3333 S. Laramie Ave.  
Cicero, IL 60804-4520

Ilene F. Goldstein, ESQ  
Law Offices of Ilene F. Goldstein  
900 Skokie Blvd  
Ste 128  
Northbrook, IL 60062-4052

Jason Lewis Zilberbrand  
4560 Eleanor Drive  
Long Grove, IL 60047-5260

Jeffrey C Dan  
Goldstein & McClintock LLP  
111 West Washington  
Suite 1221  
Chicago, IL 60602-3482

Patrick S Layng  
Office of the U.S. Trustee, Region 11  
219 S Dearborn St  
Room 873  
Chicago, IL 60604-2027

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>In re:</b>	)	
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<b>JASON LEWIS ZILBERBRAND,</b>	)	<b>Case No. 17-04034</b>
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<b>Debtor.</b>	)	<b>Chapter 7</b>
	)	
	)	<b>Honorable A. Benjamin Goldgar</b>
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	)	<b>Lake County</b>
<b>ILENE F. GOLDSTEIN, not individually</b>	)	
<b>but as chapter 7 Trustee for the Estate of</b>	)	
<b>Jason Lewis Zilberbrand,</b>	)	
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<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Adv. No. 19-00129</b>
	)	
<b>JASON LEWIS ZILBERBRAND,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	
	)	

**MOTION TO DISMISS**

Now comes Ilene F. Goldstein (“Trustee”), not individually, but as the Chapter 7 Trustee for the estate of Jason Lewis Zilberbrand (“Debtor”), hereby moves for an order dismissing the above-captioned bankruptcy case, with prejudice, but with leave to reinstate pursuant to settlement. In support of this Motion, the Trustee states as follows:

**JURISDICTION & VENUE**

1. The Court has jurisdiction over this case under 28 U.S.C. §§ 157 and 1334. This is a core proceeding under, *inter alia*, 28 U.S.C. § 157(b)(2)(A), (N), and (O).
2. Venue is proper in this district under 28 U.S.C. §§ 1408 and 1409.

3. By Local Rule 40.3.1 of the United States District Court for the Northern District of Illinois, the District Court has referred all bankruptcy cases to the Bankruptcy Court for initial determination.

**FACTUAL & PROCEDURAL BACKGROUND**

4. Debtor filed a voluntary chapter 7 petition on February 23, 2017 (“Petition Date”).

5. Ilene F. Goldstein is the duly appointed, qualified, and acting trustee in this case.

6. On March 12, 2019, the Trustee has filed an adversary complaint, endeavoring to revoke the Debtor’s discharge, styled *Ilene F. Goldstein, not individually, but in her capacity as chapter 7 Trustee for the Estate of Jason Lewis Zilberbrand v. Jason Lewis Zilberbrand*, Case No. 19 AP 00129 in the Bankruptcy Court (“the “Jason Zilberbrand Discharge Adversary”).

7. Furthermore, in a separate adversary proceeding in her service as Jason Lewis Zilberbrand’s chapter 7 Trustee, Trustee had occasion to obtain a judgment against Jason Lewis Zilberbrand’s wife, Nicole Zilberbrand, in the amount of \$199,405.20, plus all costs and fees.

8. On July 1, 2019, Nicole Zilberbrand filed her chapter 7 bankruptcy case.

9. On October 3, 2019, as a creditor of Nicole Zilberbrand by virtue of her judgment against Nicole Zilberbrand, Trustee commenced adversary proceeding *Ilene F. Goldstein, not individually, but in her capacity as chapter 7 Trustee for the Estate of Jason Lewis Zilberbrand v. Nicole Elizabeth Zilberbrand*, Case No. 19 AP 00963 in the Bankruptcy Court, seeking to deny the dischargeability of her judgment, as well as deny Nicole Zilberbrand’s discharge (the “Nicole Zilberbrand Discharge Adversary”).

10. The Trustee has negotiated a global settlement with Jason Zilberbrand and Nicole Zilberbrand, whereby they, collectively, would pay the Trustee the sum of \$100,000.00 (the “Settlement Sum”) over a period of time, with an initial payment of \$25,000.00, and payments of



\$6,250 per month for the following twelve months, as fully set forth in the Settlement Agreement, in exchange for the dismissal, with prejudice but with leave to reinstate, of both the Jason Zilberbrand Discharge Adversary and the Nicole Zilberbrand Discharge Adversary.

11. The Court's order granting the Trustee authority to compromise both adversaries and enter into that settlement agreement was entered on June 1, 2020.

12. Pursuant to the settlement agreement, the Trustee now moves to dismiss the above-captioned adversary case.

### **REQUESTED RELIEF**

13. The Trustee requests that the Court enter an order dismissing her complaint with prejudice, with leave to reinstate on or before August 1, 2021, if the settlement is breached.

### **BASIS FOR REQUESTED RELIEF**

14. Pursuant to Local Bankruptcy Rule 7041-1, no adversary proceeding objecting to or seeking to revoke a debtor's discharge under Section 727 of the Bankruptcy Code will be dismissed except on motion and hearing after 21 days' notice to the Debtor, the United States Trustee, the trustee, and all creditors and other parties of record. The motion must specifically describe the consideration promised, given, or received.

15. Plaintiff submits that the notice requirement will have been satisfied, and that this motion, above, specifically describes the consideration promised for the dismissal of this adversary.

15. As detailed in the settlement motion, the Plaintiff, in in the exercise of her business judgment, believes that the settlement embodied in the Settlement Agreement, and so now dismissing the adversary case, is in the best interests of the estate and well within the range of reasonableness.

**NOTICE**

18. The Trustee has provided no fewer than twenty-one (21) days' notice of the hearing on this motion to Jason Lewis Zilberbrand and Nicole Elizabeth Zilberbrand, their counsel, an attorney at their counsel's prior law firm who has not appeared but who has advised that he is now representing Jason Lewis Zilberbrand and Nicole Elizabeth Zilberbrand, the Office of the United States Trustee, all scheduled creditors of either debtor, as well as all parties that have requested or receive notice through CM/ECF. For the above reasons, the Trustee requests that the Court find the notice provided for herein adequate and proper.

**WHEREFORE**, Ilene F. Goldstein, chapter 7 Trustee of the estate of Jason Lewis Zilberbrand, respectfully requests that this Court enter an order dismissing this adversary case, with prejudice, but with leave to reinstate on or before August 1, 2021.

**Date: June 8, 2020**

**Ilene F. Goldstein**

By: /s/ Paul M. Bauch

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Chicago, IL 60604

312.588.5000

pbauch@lakelaw.com